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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA
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8 SABRINA HALL, et al.,

9 Plaintiff(s),

10 v.

11 ABJ GROUP ENTERPRISES LLC, et al.,

12 Defendant(s).

Case No. 2:22-cv-01817-RFB-EJY

Order

13 The early neutral evaluation program is not designed to stay litigation. *Cf. Williams v.*
14 *James River Grp. Inc.*, 627 F. Supp. 3d 1172, 1181 (D. Nev. 2022) (alternative dispute resolution
15 and settlement discussions are an ordinary aspect of federal litigation and do not generally justify
16 delay of case). To the contrary, a successful early neutral evaluation generally requires that
17 litigation has progressed to some extent through the initial phase of the case. Preparation for the
18 early neutral evaluation generally requires, *inter alia*, the exchange of initial disclosures and a
19 computation of damages. *See* Local Rule 16-6(f)(1)(H). Such disclosures are particularly key in
20 an evaluation of an employment dispute, given the need to understand and explore the basis for
21 (1) a plaintiff's theories of the case and claimed damages and (2) a defendant's justifications for
22 its employment actions. *Cf. McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 802-03 (1973).

23 In this case, the early neutral evaluation has already been continued for months because the
24 preliminary steps of litigation have not been taken, including specifically "the exchange of initial
25 disclosures." Docket No. 21 at 1; *see also* Docket No. 16. Although the early neutral evaluation
26 is now just two days off, Defendants have still not served their initial disclosures and have no
27 intention of doing so before the early neutral evaluation. *See* Docket No. 35. Accordingly, the
28 Court declines to hold the early neutral evaluation on July 21, 2023. Docket No. 21. Given the

1 circumstances of this case, the Court also declines to hold an early neutral evaluation at all in this
2 matter. *See* Local Rule 16-6(c) (“The evaluating magistrate judge . . . may exempt any case from
3 early neutral evaluation on the judge’s own motion. These orders are not appealable”).

4 Accordingly, the early neutral evaluation is **VACATED**. The Clerk’s Office is
5 **INSTRUCTED** to remove the early neutral evaluation flag from this case and to remove the
6 undersigned from this case.

7 IT IS SO ORDERED.

8 Dated: July 19, 2023

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12 Nancy J. Koppe
13 United States Magistrate Judge
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